

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15765 of the Republic of Korea, pursuant to 11 DCMR 1001, for permission under Section 1002 to construct an addition to an existing chancery in a D/R-3 District at premises 2320 Massachusetts Avenue, N.W. (Square 2507, Lots 6-9).

HEARING DATE: December 9, 1992
DECISION DATE: December 9, 1992 (Bench Decision)

ORDER

INTRODUCTION

This application was filed by the Republic of Korea pursuant to Section 206 of the Foreign Missions Act (Title 11, Public Law 97-241, 96 Stat. 286, August 24, 1982) to construct an addition to an existing chancery at 2320 Massachusetts Avenue, N.W. (Square 2507, Lots 6-9). The application was considered by the Board in accordance with the requirements of Chapter 10 of the Zoning Regulations. Chapter 10 was adopted by the Zoning Commission to implement Section 206 of the Foreign Missions Act. The public hearing was conducted as a rulemaking proceeding under Chapter 23 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment.

APPLICATION

The subject site is located on the south side of Massachusetts Avenue N.W. facing Sheridan Circle. It consists of four lots of record (lots 6, 7, 8, and 9) that, combined, consist of 21,708 square feet of land area. The site is improved with a chancery building owned by the Republic of Korea.

The structure was built in 1920/21. The property was purchased by the applicant in about 1949 and has been used as a chancery since that time. The building is three and four stories in height. It currently contains approximately 12,404 square feet of gross floor space and has a footprint of 3,463 square feet. The building was originally three bays wide with a rusticated base, a mansard roof, and three dormer windows behind the roof balustrade and rusticated base. The footprint of the building was later enlarged by a three-story addition to the north which expanded the front facade by two bays. The addition reflects all of the original facade elements with the exception of the mansard roof. As a result, the building has an unfinished appearance. There is a two-story addition to the west, and a small one-story addition at the east elevation.

The applicant stated that the existing building has inadequate space for new programs mainly on two levels of the structure. The consular function requires a large public space on the ground floor, and it requires a certain amount of office space on the top floor. The applicant stated that the current building does not have two means of egress, nor does it have an enclosed fire stair. The applicant further stated that the electrical power supply is inadequate and the mechanical system is antiquated.

To remedy these problems with the structure, the applicant proposes to create two levels of adequate space, and make minor renovations for more efficient use of space.

On the first floor, the applicant plans to enlarge the back and use this area as consular staff work space, and as a public waiting area. The front entrance will be maintained as a lobby. Two stair towers will be added. One will be set back from the front to the south side and the other will be located in the rear. The stair areas will be enclosed to create more office space for the consular function.

On the second floor, the only addition will be the two staircases that come up from the first floor. These staircases will go up to the fourth floor to fill in the indentation at the rear of the structure where there are two bays missing. The third and fourth floors will be used as the offices for the educational staff.

The proposed addition will fill out the mass of the building and allow for the extension of the mansard roof line. Adding the two stair towers will create a minor increase in the footprint of the building. The addition will total 3,879 square feet of floor area. After construction, the building will contain approximately 16,283 square feet of gross floor area.

The applicant stated that there are presently 33 employees who work in the building. After the renovation, the number will decrease to 13, with a potential for future expansion to 23 employees.

The applicant stated that the hours of operation are 9:00 a.m. to 5:30 p.m., Monday through Friday. There will be approximately 30 to 45 visitors to the site daily. The visitors will be evenly spaced throughout the day resulting in a total of four to six visitors per hour. It is anticipated that such visits will be short in duration. The visitors will travel to the site by a variety of means, including taxicabs, car pools, buses and metrorail. At any given time, there will be three to four cars on the property that belong to visitors.

The applicant stated that the addition and renovations are required to fulfill the programmatic needs of the chancery, including the larger offices and reception areas necessary for consular uses.

The expansion of a chancery in a D/R-3 District is permitted subject to disapproval of the Board of Zoning Adjustment after review based on the criteria set forth in Section 206(d) of the Foreign Missions Act.

FOREIGN MISSIONS ACT CRITERIA

In considering the subject application, the Board must apply the specific criteria set forth in Section 1001, et seq., of Chapter 10 of the Zoning Regulations. A Chancery shall be a permitted use in a Mixed Use Diplomatic District, subject to disapproval by the Board based on those criteria, which are as follows:

- (1) Section 1001.2. The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the nation's capital.
- (2) Sections 1001.3 and 1001.4. Historic preservation, as determined by the Board in carrying out this Section, and in order to ensure compatibility with historic landmarks and historic districts, substantial compliance with District of Columbia and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.
- (3) Section 1001.5. The adequacy of off-street or other parking, and the extent to which the area will be served by public transportation to reduce parking requirements, subject to any special security requirements that may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.
- (4) Section 1001.6. The extent to which the area is capable of being adequately protected, as determined by the Secretary of State after consultation with federal agencies authorized to perform protective services.
- (5) Section 1001.7. The municipal interest, as determined by the Mayor.
- (6) Section 1001.8. The federal interest, as determined by the Secretary of State.

EVALUATION

With respect to the above-referenced six criteria set forth in the Zoning Regulations, the Board states the following:

- (1) The international obligation of the United States: By letter dated October 15, 1992, the Acting Director of the Office of Foreign Missions of the Department of State, the delegated representative of the Secretary of State, determined that the international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the nation's capital will be met by the approval of this application. He further stated that there exist no special security requirements related to parking requirements in this case. Finally, he determined that the subject site and area are capable of being adequately protected.
- (2) Historic Preservation: The applicant stated that the subject property is located in both the Massachusetts Avenue and the Sheridan-Kalorama Historic Districts. The Historic Preservation Review Board staff report and recommendation, dated July 31, 1992, stated that the property is located in the Massachusetts Avenue Historic District. The report stated that the original Beaux-Arts structure was built in 1920/21 and is attributed to Harry Wardman. It was originally three bays wide with a mansard roof with three dormer windows behind the roof balustrade and a rusticated base. An addition to the west was added in 1927 which mirrors all the facade elements except the mansard roof and leaves the structure with a half-finished look. A two-story addition exists to the west and at the east rear is a small one-story addition.

The applicant proposes additions to the structure that would complete the roof line in front providing a mansard roof that would align with that already in place. To the side and rear, two stair towers would be added. At the side, the applicant proposes to imitate the facade articulation with its stuccoed surface and wooden frames. The new addition at this juncture would also recapture the cornice molding and replicate the new work to match the original. The Historic Preservation Review Board staff suggested that the carved stone cornice on the one story addition should be salvaged and reused on the structure. The Historic Preservation Review Board staff stated that at the rear of the structure, another stair tower will be added, and the new construction will echo as closely as possible the extant architectural elements.

The Historic Preservation Review Board staff recommended approval of the project provided that the applicant provide the Historic Preservation Review Board with design details and samples of the materials to be used for review by staff prior to issuance of a building permit.

By memorandum dated October 19, 1992, the Historic Preservation Review Board indicated that it reviewed and approved the application at its meeting on August 19, 1992 and adopted the staff report dated July 31, 1992.

The applicant stated that the proposed alterations and additions have received conceptual design approval from the Commission of Fine Arts. Also, the Sheridan-Kalorama Historical Association's Historic Preservation Committee, in a meeting held in August 1992, reviewed and approved the conceptual design with the same conditions cited in the HPRB staff recommendation.

- (3) Parking and Transportation: The applicant stated that the addition to and renovation of the building is being undertaken in furtherance of an overall chancery organization plan involving all other buildings owned by the Republic of Korea. The reorganization will result in a substantial reduction in the number of employees in the building. Accordingly, the addition to and renovation of the building will not generate additional parking needs. The existing parking consists of a total of 27 striped off-street spaces and three reserved diplomatic spaces on Massachusetts Avenue in front of the property. The existing on-site surface parking lot will be retained and restriped to provide 27 spaces in a new configuration to accommodate the footprint of the new fire stairs. The three reserved diplomatic spaces on the street will remain.

The applicant stated that there will be approximately 30 to 45 visitors to the site daily. The visitors will be spaced evenly throughout the day resulting in a total of four to five visitors per hour. Since it is anticipated that the visits will be short in duration and many of the visitors will travel to the site by taxicab, car pool, bus and metrorail, there will be more than enough parking to serve the building. As a result of visitation, there will be approximately three to four cars on the site at a given time.

In light of the reduction in the intensity of use of the building and the existence of ample parking, the applicant stated that the proposed addition will have no adverse traffic impacts.

- (4) Protection: The Office of Foreign Missions, in its letter of October 15, 1992, stated that after consultation with Federal agencies authorized to perform protective services, it has determined that the subject site and area are capable of being adequately protected.
- (5) Municipal interest: The Director of the Office of Planning (OP), the delegated representative of the Mayor, by memorandum dated December 1, 1992, and by testimony at the hearing, recommended approval of the application. OP noted the location of the site, the use and design characteristics of the structure, the applicant's proposed plans regarding renovations and additions, and the changes that will occur in the footprint of the building as a result of the new construction. OP also noted the number of employees and visitors, the hours of operation, and the availability of on-site parking.

OP stated that the area surrounding the site is characterized by a mix of low density, single-family residential and diplomatic uses. Several large apartment buildings are also located within the general area, primarily along Massachusetts Avenue N.W. The subject property faces Sheridan Circle and abuts Water Side Drive and Rock Creek Park to the rear. Several other foreign facilities are located within close proximity to the site, including the Turkish Embassy at 1606 23rd Street, N.W., the Royal Romanian Government Legation building at 1607 23rd Street, N.W., the Egyptian Chancery at 2232 Massachusetts Avenue, N.W., the Chancery of Ireland at 2234 Massachusetts Avenue, N.W., and several others.

The site is located within a D/R-3 zone district. The R-3 District permits matter-of-right development of single-family residential uses including detached, semi-detached, and row dwellings with a minimum lot area of 2,000 square feet, a minimum lot width of 20 feet, a maximum lot occupancy of 60 percent, and a maximum height of three stories/40 feet.

The D (diplomatic overlay) District permits the location of foreign chanceries subject to the disapproval of the Board of Zoning Adjustment. This is a zone district which is always mapped in combination with another zone district. The provisions of both districts apply.

OP pointed out that the Foreign Missions and International Organizations Element of the Comprehensive Plan states that it is the goal of the city by means of the planning process to facilitate

the efficient exercise and satisfactory performance of diplomatic and international functions in harmony with the planned development of the National Capital. The element states that new, expanded or relocated chanceries and combined chanceries/embassies should be located in areas where similar uses exist, where there is adequate public transit to reduce parking requirements, where there are adequate public facilities, and in areas capable of being adequately protected. The Office of Planning believes that this proposal complies with the intent of the Foreign Missions and International Organizations Element of the Comprehensive Plan.

OP stated that in determining the municipal interest in chancery cases, it is guided by the requirements of Sections 1001 and 1002 of the Zoning Regulations. OP stated that the subject property is located within the Massachusetts Avenue Historic District which is a linear district and includes all properties fronting on or prominently visible from Massachusetts Avenue, between 17th Street N.W. on the east and Observatory Place N.W. on the west. It is also located in the Sheridan-Kalorama Historic District which is a residentially conceived enclave roughly bounded by Florida Avenue and Connecticut Avenue on the east and by Rock Creek Park on the north, west and south. With buildings constructed for the most part during the late nineteenth and early twentieth centuries, both districts contain some of the city's best examples of period revival residential architecture. French and Italian Renaissance Revival houses are interspersed with Colonial and Tudor Revival designs, both in their high-style and vernacular interpretations. The buildings range from large-scale, free-standing houses to row dwellings and apartment buildings.

OP noted that the application received conceptual approval by the Historic Preservation Review Board and the Commission of Fine Arts.

OP stated that the additions proposed by the applicant would not extend beyond the height of the existing building's roof and would add only three percent to the building's existing lot occupancy of 16 percent. The resulting total lot occupancy of 19 percent would be well below the maximum permitted lot occupancy of 40 percent in the D/R-3 zone district. Furthermore, the proposal would comply with all other zoning requirements including the permitted floor area ratio (FAR) and the required minimum side yard and rear yard depths. The proposed massing and scale of the building, combined with the sensitive design elements, would result in a structure that would be highly compatible with the two historic districts within which it is located, and with surrounding buildings.

The Office of Planning concludes that the subject application is compatible with the intent of the Zoning Commission in adopting the regulations for chanceries and, accordingly, complies with the standards of the Zoning Regulations. The proposal is also compatible with the surrounding neighborhood in terms of its

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overall design, its close proximity to other foreign missions, and its sensitivity to the historic districts in which it is located. Based on its analysis of the proposal, the Office of Planning recommended approval of the application.

ADVISORY NEIGHBORHOOD COMMISSION:

Advisory Neighborhood Commission (ANC) 1D submitted a written report dated December 8, 1992. The ANC considered this application at its meeting of September 8, 1992. The ANC voted unanimously to support the application. The ANC stated that the applicants have kept their commitment to ensure that the chancery maintains a residential appearance.

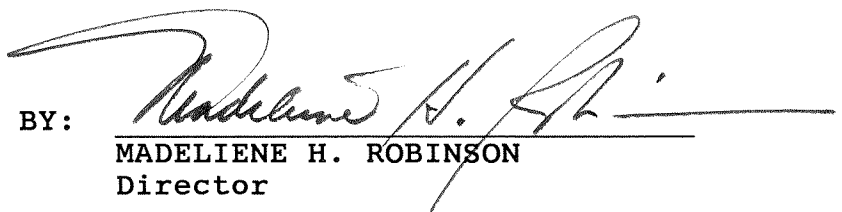
DECISION

On the basis of the record before it and the criteria of the Foreign Missions Act, the Board determines that this application meets the standards of the Zoning Act. Accordingly, it is hereby ORDERED that this application is APPROVED.

VOTE: 4-0 (Paula L. Jewell, Reginald Griffith, Angel F. Clarens and John G. Parsons to approve; Carrie L. Thornhill not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: _____

FEB 26 1993

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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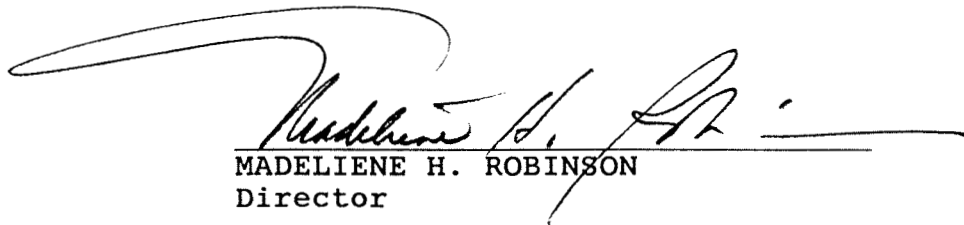
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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on FEB 26 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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MADELIENE H. ROBINSON
Director

DATE: FEB 26 1993

15765Att/bhs